IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO: 23015 of 2004

Between:

B. Gurrappa, S/o. B. Bala Currappa,

Hindu, C/o. Executive Engineer,

Kurnool District Scheduled Castes,

Service Cooperative Society Ltd.

Beside Indoor Stadium, Kurnool, Kurnool District.

..... PETITIONER

AND

1. The Managing Director,

   A.P. Scheduled Castes Service Cooperative,
   Finance Corporation Ltd. Masab Tank, Hyderabad.

2 The District Collector and Chairman,

   Kurnool District Scheduled Castes

   Service Cooperative Society Ltd.,

   Kurnool, Kurnool District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased

to issue a writ order or direction more one in the nature of Writ of Mandamus, declaring the action of the respondents in not paying the increments after completion of 8 years of service in the category of Typist in the first respondent organisation as being illegal, arbitrary, discriminatory and contrary to the G.O.Ms.No.290 dt.29-7-1993 and consequently direct the respondents to pay the increments to the petitioner and pass such other order or orders.

Counsel for the Petitioner: MR.C.H.SATISH KUMAR

Counsel for the Respondents: Sri MVS Suresh Kumar and GP FOR COOPERATION

The Court at the admission stage, made the following:

THE HON'BLE MR JUSTICE K.C.BHANU

WRIT PETITION NO: 23015 of 2004

ORDER:

This writ petition is filed to declare the action of the respondents in not paying the increments to the petitioner after completion of eight years of service in the category of Typist in the 1st respondent-Corporation, as illegal, arbitrary and contrary to the G.O.Ms.No.290, dated 29-07-1993.

2. The learned counsel appearing for the petitioner contended that the petitioner had completed eight years of service as a Typist in the respondent-Corporation, but still his case has not been considered in spite of giving representation dated 30.06.2003 and therefore, a direction may be given to the respondents to consider the case of the petitioner.

3. On the other hand, the learned counsel appearing for the first respondent contended that if the petitioner is otherwise eligible in pursuance of the G.O.Ms.No.290 dated 29.07.1973, the benefits will be given to him and therefore, a direction may be given to the petitioner to file an application before the competent authority.

4. The facts as narrated by both the parties are not in dispute. But when the petitioner has completed eight years of service, the issue relates to the question as to whether the petitioner is entitled for any special increments on

completion of eight years of service, the same to be decided by the first respondent in accordance with the rules and regulations as laid down in the service conditions of the employees of the first respondent-Corporation. For that purpose, the petitioner made a representation dated 30-06-2003. But the first respondent has not passed any orders.

5. On considering the facts and circumstances of the case, I deem it appropriate to give a direction to the 1st respondent. Therefore, the 1st respondent is directed to pass appropriate orders on the representation of the petitioner dated 30.06.2003, if it is available with him and, if not available, the petitioner is directed to file an application within one week from today and thereafter the same shall be considered in accordance with law, within a period of eight weeks.

6. Accordingly, the Writ petition is disposed of. No costs.

_____ December 13, 2004

KVR

TO

1. The Managing Director, A.P. Scheduled

Castes Service Cooperative,
Finance Corporation Ltd. Masab Tank, Hyderabad.

2 The District Collector and Chairman,

Kurnool District Scheduled

Castes Service Cooperative Society Ltd.,

Kurnool, Kurnool District.

3 Two C.Cs. to G.P. for Cooperation,

High Court Buildings,

High Court of A.P., Hyderabad (OUT)

4 Two C.D. Copies.